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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
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12 SHEILA CLEVELAND, CHELSEA
CLEVELAND, TYSON CLEVELAND,

13 Plaintiffs,

14 v.

15 UNITED STATES OF AMERICA,

16 Defendant.
17

Case No. C 06-3853 PJH
E-Filing Case

18 **STIPULATION EXTENDING**
TIME FOR DISCOVERY
[PROPOSED ORDER]

18 The following is hereby stipulated by and between the undersigned, subject to approval of
19 the Court:

- 20 1. The date for the close of fact discovery, currently set for July 20, 2006, should be
21 continued to **August 10, 2007**.
- 22 2. The date for filing Motions for Summary Judgment and the date to complete
23 mediation, currently set for August 22, 2007 and October 26, 2007, respectively,
24 will be enlarged to **September 19, 2007** and **November 21, 2007** to allow time
25 for parties to obtain final and (if necessary) corrected transcripts from these
26 depositions which will be necessary to prepare the motion. No trial date is
27 currently set and, therefore, this request to continue the close of fact discovery
28 will not cause any delay in trial.

3. An extension of the close of fact discovery is required in order to allow the parties to complete certain key depositions. On October 16, 2006, the parties exchanged Rule 26 initial disclosures. Substantial documentation was exchanged between the parties and numerous witnesses identified. Plaintiffs have taken the depositions of four key federal employees in this case, including the District Ranger, a Forest Service law enforcement officer and a Forest Service safety officer.

4. In May of 2007, the U.S. Government responded to plaintiffs' discovery request and identified two additional witnesses: Janine Clayton, Assistant Director Minerals & Geology Management; Curtis Cross, Assistant Forest Engineer. These witnesses are located in Washington, D.C. On June 19, 2007, Tom Buchta, Abandoned Mine Land Program Leader, also located in D.C. was further added in a supplemental disclosure.

5. On July 2, 2007, Plaintiffs served notices for the depositions of the above three Forest Service employees, as well as Bud Zangger, (previously employed as a Forest Engineer), and Lou Woltering, (previously employed as a Forest Supervisor). The names of Mr. Zanger and Mr. Woltering were brought up in response to questions during deposition testimony of other Forest Service employees in May 2007.

6. The U.S. Attorney's Office was able to secure July 5, 2007 and July 6, 2007 for the depositions of the three witnesses in D.C., which did not work for plaintiffs' counsel given the Holiday week. Also, given the Holiday week, it was difficult to track down several of the requested witnesses and unfortunately, alternative dates prior to the close of discovery set for July 20, 2007 could not be secured for all of the individuals given work schedules, availability and need for travel to three different states. Mr. Buchta, Ms. Clayton and Mr. Cross are currently scheduled to be deposed at their offices in Washington, D.C. on **July 24, 2007**. Mr. Zangger who now lives and works in Oregon, is available to be deposed on **August 7,**

2007 in Portland, Oregon. Mr. Woltering is available for deposition on August 9 or 10, 2007 in New Mexico, where he currently lives and works.

7. In addition to these depositions, which need to be completed, the defendant will be producing a further supplementation of plaintiffs' document request and plaintiffs' will be providing their responses to defendant's written discovery on or before July 20, 2007.

For the foregoing reasons, the parties believe that a continuance of the close of fact discovery to August 10, 2007, an enlargement of the summary judgment filing date to September 19, 2007 and an enlargement of the mediation date to November 21, 2007, is warranted and necessary. This is the second request for an extension of time for fact discovery of approximately one month. Parties do not anticipate the need for any further extensions of time for fact discovery.

DATED: July 11, 2007

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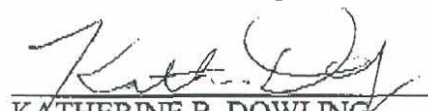
By:


MICHAEL S. HENDERSON
Attorneys for Plaintiffs

DATED: July 11, 2007

SCOTT N. SCHOOLS
United States Attorney

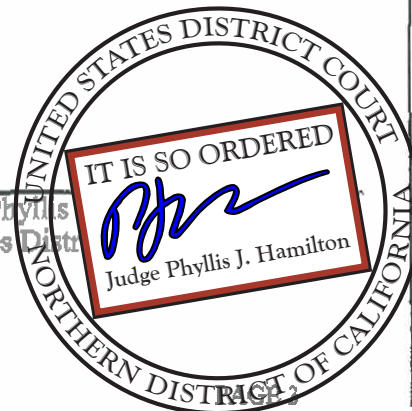
By:


KATHERINE B. DOWLING
Assistant United States Attorney
Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 7/13/07

Honorable Phyllis
United States District



STIPULATION EXTENDING TIME FOR DISCOVERY